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**To: The US Patent And Trademarks Office  
Commisioner for Patents  
P.O.Box 1450  
Alexandria VA 22313-1450  
USA**

**From: Marian Gavrilă  
535 Burleigh Private  
Ottawa, ON K1J 1J9  
Canada**

**December 6, 2005**

Dear Sir/Madam,

With regard to the Abandonment/Termination Letter, Confirmation No. 7347, dated 10/27/2005 related to the application 10/727,584

We would like to bring to your attention the following facts:

As requested in the Notice of Incomplete reply, dated 12/01/2004, we have submitted the \$65 Late Oath or Declaration Surcharge. The fee has been withdrawn, as detailed in the credit card bill on January 12, 2005. We considered this to be timely reply to your letter dated 12/01/2004 and that would prevent the abandonment of the application.

We have not heard from the office after the \$65 fee has been withdrawn and we believed that our letter exposing the reasons for the delay was accepted, therefore the fee acceptance means that our application is being analyzed.

Getting no reply from the Office, after the fee has been withdrawn, it is only after we phoned the Office that we were told that our application has been abandoned.

Given the facts described above and that we acted in good will, please reevaluate the letters and documents submitted to the Office. It is our hope that our application will be sent for examination.

Respectfully,  
Marian Gavrilă

A handwritten signature in black ink, appearing to be "Marian Gavrilă", written over a horizontal line.



## Transaction details

Card number 4505 5150 0326 8843

Trans date	Post date	Description
JAN 12	JAN 14	US PATENT/TRADEMARK OF 703-3085068 VA 65.00 US DOLLAR @ 0.000000 **
JAN 13	JAN 17	NUTRITION ACTION HLTH LTRY/ASHINGTON DCON
JAN 18	JAN 19	Amazon.ca AMAZON.CA ON
JAN 22	JAN 24	BILKIZ ENTERPRISES OTTAWA ON
JAN 22	JAN 25	WINNERS #223 GLOUCESTER ON
JAN 29	JAN 31	LOBLAW SUPERMARKET #10 GLOUCESTER ON
JAN 29	FEB 1	OLCO # 22619 OTTAWA ON
JAN 29	FEB 1	CDN TIRE STORE #00297 GLOUCESTER ON
FEB 1	FEB 3	PAPETERIE THIBO ENR HULL QC
FEB 2	FEB 3	30-025 PROVINCIAL OFFENCE/NEPEAN ON
FEB 2	FEB 4	REITMANS 658 HULL QC
FEB 2	FEB 4	OBLIGE CONCEPT MODE HULL QC
FEB 2	FEB 4	OBLIGE CONCEPT MODE HULL QC
FEB 4	FEB 4	INTEREST TOTAL
JAN 6	JAN 7	ROYAL BANK OF CANADA MONTREAL
JAN 27	JAN 28	PAYMENT / PAIEMENT

## Message centre

IMPORTANT NOTICE: PLEASE READ THE ENCLOSED AMENDMENTS TO YOUR CARDHOLDER AGREEMENT. CHANGES WILL BE EFFECTIVE APRIL 1, 2005.

## Select VISA

Account number  
4505 5150 0326 8843

If you find an error in this statement you must tell us within 30 days after the statement date. If you do not, the statement will be regarded as final (except for improper credits). The statement date is the closing date of the statement period shown on the front.

## How we apply your payments

We apply your payments to your Select VISA account in the following order: (a) interest, (b) fees (shown as "Other Charges" on this statement); (c) Previously Billed items in the following order: (i) Balance Transfers, (ii) Cash Advances, (iii) Purchase Promotions, (iv) Purchases (d) items on this statement in the same order as Previously Billed items. Credit balances are applied to Unbilled items in the order in which they are posted. Within each category of items referred to in (c) and (d) where there are multiple transactions, the payment will be applied to those items which bear interest at the lowest rate first.

**How we charge interest**  
To calculate interest, the daily interest rate displayed on the front of this statement is multiplied by the interest-bearing balance at the end of each day.

If there are different daily rates, each rate is multiplied by the portion of the interest-bearing balance to which it applies.

**a) On purchases:** No interest is charged on a new purchase if you pay your new balance in full by the payment due date. If you make only a partial payment, then we charge interest retroactively on purchases from the transaction date until you pay all of your new balance and the interest.

**b) On cash advances (including CIBC Convenience Cheques and balance transfers):** We charge interest on a cash advance from the day you receive the advance until you make a payment which covers the amount of the advance and the interest charged on that advance. We charge interest on a CIBC Convenience Cheque or balance transfer from the date we post it to your Select VISA account until you make a payment which covers the amount of the cheque or balance transfer and the interest charged on that cheque or balance transfer.

## Minimum payment due

Your current amount due is 3% of your new balance or \$10, whichever is greater. This amount must be paid by the payment due date.

## Available credit

This section shows the credit you had available at the end of the statement period, and does not reflect transactions you've made since this statement was issued.

\*\*Denotes transaction in foreign currency. You have been charged the same conversion rate CIBC is required to pay, plus an administration fee of 2.5% of the converted amount. This fee applies to both debits and credits.

\* Visa Int/CIBC Lic. user.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/727,584	12/05/2003	Marian Gavrilă	G&P1

Marian Gavrilă  
 535 Burleigh Private  
 Ottawa, ON K1J 1J9  
 CANADA



CONFIRMATION NO. 7347  
 ABANDONMENT/TERMINATION  
 LETTER

Date Mailed: 10/27/2005

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 03/08/2004.

- The reply received on 01/11/2005 was untimely.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.